

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

In re Flint Water Cases 16-10444

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The Hon. Judith E. Levy

Bellwether III Case No. 17-10164

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**SUMMARY OF DISPUTE REGARDING THE PROPOSED PROTECTIVE
ORDER FOR DR. AARON SPECHT’S PROPRIETARY MATLAB CODE**

Plaintiffs and Defendants, Veolia Water North America Operating Services, LLC, Veolia North America, Inc., and Veolia North America, LLC (collectively “Veolia”) have come to an impasse in the drafting of a proposed protective order.¹ The main point of contention is Section 5(b)(ii), which provides that a violation of the terms of the order subjects VNA’s expert and each VNA attorney with an active appearance before the Court to a fine. This section is imperative because, while Veolia’s counsel asserts that it takes confidentiality seriously, Plaintiffs’ counsel, and more importantly Dr. Specht has very serious concerns about Veolia’s conduct when it comes to his work on these cases.²

¹ Plaintiffs will submit a WORD version of the most recent draft of the proposed protective order to the Court via email.

² Veolia has repeatedly placed in the public domain false and defamatory information about Dr. Specht’s work (apparently without ever even being able to vet it).

There are two additional areas of disagreement—identified and located specifically in the comments on the draft of the protective order. First, to the extent Veolia objects to the inclusion of the term “proprietary,” Plaintiffs maintain that it is accurate and necessary. Second, Veolia has not yet provided the names of counsel who will have access to the protected information. It is Plaintiffs’ position that these names need to be produced prior to the filing of the protective order (and of course before Dr. Specht submits the Code to Defendants).

Dated: April 17, 2023

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on April 17, 2023 I electronically filed this document with the Clerk of the Court using the ECF System, which will send notification to the ECF counsel of record.

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